

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 290 (Sub-No. 350X)**

**Norfolk Southern Railway Company – Abandonment and Discontinuance of Service  
Exemption – in Essex County, N.J.**

**BACKGROUND**

In this proceeding, Norfolk Southern Railway Company (NSR) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 to abandon approximately .71 miles of rail line and to discontinue service over a connecting 1.29-mile segment of rail line in Essex County, New Jersey.<sup>1</sup> The .71 miles of rail line proposed for abandonment consist of two segments that extend from milepost 8.50 OJ to milepost 8.616 OJ and from milepost 9.905 OJ and 10.50 OJ (the Line). The 1.29-mile segment is located between the two portions of track proposed for abandonment. A map depicting the Line in relationship to the area served is appended to this EA. If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

**DESCRIPTION OF THE LINE**

NSR states that it plans to discontinue an operating easement over the 1.29-mile segment of rail line, which as noted above connects the two segments of Line proposed for abandonment. According to NSR, New Jersey Transit has title to the 1.29-mile segment and would continue to operate it after NSR discontinues service. NSR also indicates that the right-of-way width ranges from 50 to 100 feet along the centerline of track.

**ENVIRONMENTAL REVIEW**

NSR submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-

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<sup>1</sup> Because NSR seeks to discontinue service over this 1.29-mile segment of rail line and not abandon it, environmental and historic documentation is not required under 49 C.F.R. §§ 1105.6(c)2 and 1105.8. There would be no potential for environmental impacts because no train traffic would be diverted and no salvage would occur on this section of track. Therefore, this EA analyzes only the .71 miles of rail line that NSR seeks to abandon.

abandonment activities, including salvage and disposition of the right-of-way. NSR served the environmental report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].<sup>2</sup> The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

### ***Diversion of Traffic***

According to NSR, no local traffic has moved over the Line for at least two years, and there is no overhead traffic to be rerouted. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

### ***Salvage Activities***

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way.

The Natural Resources Conservation Service commented that the proposed abandonment would have no impact to farmland classified under prime, statewide, unique, or local importance.

The U.S. Fish and Wildlife Service, New Jersey Field Office (USFWS) submitted comments stating that three threatened, endangered or candidate species might be located in the area of the proposed abandonment. USFWS recommended that NSR visit the New Jersey Field Office website as the next step in evaluating potential impacts. Accordingly, we recommend that a condition be imposed upon any decision granting abandonment authority requiring NSR to consult with USFWS to determine whether any further review is necessary.

The U.S. Environmental Protection Agency submitted a comment clarifying that Bloomfield, NJ, is non-attainment for the ozone NAAQS.

The National Geodetic Survey (NGS) commented that no geodetic survey markers are located within the area of the proposed abandonment. Therefore, no further consultation with NGS is necessary.

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<sup>2</sup> The railroad's environmental and historic reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB 290 (Sub-No. 350X).

Based on all information available to date, OEA does not believe that salvage activities would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, OEA is providing a copy of this EA to USFWS for its review and comment.

## **HISTORIC REVIEW**

NSR served the historic report on the New Jersey State Historic Preservation Officer (SHPO), pursuant to 49 C.F.R. § 1105.8(c). OEA has not heard from the New Jersey SHPO and therefore has not been able to consider the SHPO's opinion before determining whether the proposed project could affect historic properties. Accordingly, we are recommending a condition requiring the railroad to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect or APE) eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.dot.gov/stb/environment/preservation.html>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the National Native American Graves Protection and Repatriation Act, Online Native American Consultation Database and the U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool,<sup>3</sup> to identify federally-recognized tribes which may have ancestral connections to the project area. The search indicated that there are no tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment.

## **CONDITIONS**

We recommend that the following conditions be imposed on any decision granting abandonment authority:

1. Prior to commencement of any salvage activities, Norfolk Southern Railway Company shall consult with the U.S. Fish and Wildlife Service, New Jersey Field Office, to determine if any further review is necessary.
2. Norfolk Southern Railway Company (NSR) shall retain its interest in and take no steps to alter the historic integrity of all sites, buildings, structures, and objects within the project right-of-way that are eligible for listing or listed in the National Register of Historic Places (generally, 50 years old or older) until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f, has been

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<sup>3</sup> U.S. National NAGPRA Program (<http://grants.cr.nps.gov/nacd/index.cfm>); U.S. Department of Housing and Urban Development (<http://egis.hud.gov/tadat/Tribal.aspx>).

completed. NSR shall report back to the Office of Environmental Analysis regarding any consultations with the State Historic Preservation Officer, any other Section 106 consulting parties, and the public. NSR may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

## **CONCLUSIONS**

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment of the Line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

## **PUBLIC USE**

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

## **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

## **PUBLIC ASSISTANCE**

The Board's Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

## **COMMENTS**

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Danielle Gosselin, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB-290 (Sub-No. 350X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Danielle Gosselin, the environmental contact for this case, by phone at (202) 245-0300, fax at (202) 245-0454, or e-mail at [danielle.gosselin@stb.dot.gov](mailto:danielle.gosselin@stb.dot.gov).

Date made available to the public: December 2, 2014.

**Comment due date: December 15, 2014.**

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment